

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10470

Peter Tinkham, et al

v.

Doreen R. Kelly, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-74, 76-87

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 4/17/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on May 16, 2006.

By:

Sarah A Thornton, Clerk of Court

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 5/17/06.

D. Barchard

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10470-MLW**

Tinkham et al v. Kelly et al
Assigned to: Chief Judge Mark L. Wolf
Cause: 18:1961 Racketeering (RICO) Act

Date Filed: 03/11/2005
Jury Demand: Plaintiff
Nature of Suit: 470
Racketeer/Corrupt Organization
Jurisdiction: Federal Question

Plaintiff

Peter F. Tinkham

represented by **Peter F. Tinkham**
P.O. Box 1075
Easton, MA 02334
207-585-2137
PRO SE

Plaintiff

Juliet B. Alexander

represented by **Juliet B. Alexander**
P.O. Box 1075
Easton, MA 02334
207-585-2137
PRO SE

Plaintiff

Samantha Tinkham

represented by **Samantha Tinkham**
P.O. Box 1075
Easton, MA 02334
PRO SE

V.

Defendant

Doreen R. Kelly

represented by **John J. Davis**
Pierce, Davis & Perritano, LLP
Ten Winthrop Square
Boston, MA 02110-1257
617-350-0950
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Email: jdavis@piercedavis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Barry L. Mintzer

represented by **John J. Davis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jean Curtis Loud

represented by **John J. Davis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert L. Doyle

represented by **John J. Davis**
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LEAD ATTORNEY
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Defendant

Donna Kyed

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LEAD ATTORNEY
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Defendant

Margaret Verrett

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LEAD ATTORNEY
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Defendant

Joan Bernheimer

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LEAD ATTORNEY
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Defendant

Judi Alberton

represented by **John J. Davis**
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LEAD ATTORNEY
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Defendant

Claire Jackson

represented by **John J. Davis**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Erin L. Senges

represented by **Stephen Dick**
Attorney General's Office
200 Portland Street
Boston, MA 02114
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stephen.dick@ago.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Barbara A. Hawkes-Sullivan

represented by **Stephen Dick**
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LEAD ATTORNEY
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Defendant

Barney Keezell

represented by **Stephen Dick**
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LEAD ATTORNEY
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Defendant

Stephanie Thomas

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LEAD ATTORNEY
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Defendant

Erica Cohen

represented by **Stephen Dick**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Kenneth Pontes

represented by **Stephen Dick**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/11/2005	1	COMPLAINT against all defendants Filing fee: \$ 250, receipt number 62681, filed by Peter F. Tinkham, Juliet B. Alexander, Samantha Tinkham. (Attachments: # 1 # 2 # 3 Appendix Part1# 4 Appendix Part 2)(Boyce, Kathy) Additional attachment(s) added on 3/20/2006 (Boyce, Kathy). (Entered: 03/15/2005)
03/11/2005	2	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander (Boyce, Kathy) (Entered: 03/15/2005)
03/11/2005	3	Summons Issued as to Margaret Verrett, Joan Bernheimer, Judi Alberton, Claire Jackson, Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes, Doreen R. Kelly, Barry L. Mintzer, Jean Curtis Loud, Robert L. Doyle, Donna Kyed. (Boyce, Kathy) (Entered: 03/15/2005)
07/09/2005	7	SUMMONS Returned Executed as to Barney Keezell served on 7/9/2005, answer due 7/29/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	2	MOTION for Extension of Time to Locate and Serve Remaining Defts by Peter F. Tinkham, FILED.(Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	3	AFFIDAVIT of Juliet Alexander in Support of 2 MOTION for Extension of Time to locate and serve remaining defts filed by Juliet B. Alexander, FILED. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	4	AFFIDAVIT of Stephen McGrath in Support re 2 MOTION for Extension of Time to locate and serve remaining defts filed by Peter F. Tinkham. (Boyce, Kathy) (Entered: 07/18/2005)

07/14/2005	<u>95</u>	SUMMONS Returned Executed Erin L. Senges served on 7/9/2005, answer due 7/29/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>96</u>	SUMMONS Returned Executed as to Kenneth Pontes served on 7/8/2005, answer due 7/28/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>98</u>	WAIVER OF SERVICE Returned Executed as to Donna Kyed waiver sent on 6/1/2005, answer due 8/1/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>99</u>	Waiver of Service of Summons by Doreen Kelly mailed on 6/1/05 answer due 8/1/05 (Boyce, Kathy) Modified on 7/19/2005 to reset answer due date (Boyce, Kathy). (Entered: 07/18/2005)
07/14/2005	<u>10</u>	WAIVER OF SERVICE Returned Executed as to Claire Jackson waiver sent on 6/1/2005, answer due 8/1/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>11</u>	WAIVER OF SERVICE Returned Executed as to Robert L. Doyle waiver sent on 6/1/2005, answer due 8/1/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>12</u>	WAIVER OF SERVICE Returned as to Executed Judi Alberton waiver sent on 6/1/2005, answer due 8/1/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>13</u>	WAIVER OF SERVICE Returned Executed as to Joan Bernheimer waiver sent on 6/1/2005, answer due 8/1/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>14</u>	WAIVER OF SERVICE Returned Executed as to Jean Curtis Loud waiver sent on 6/1/2005, answer due 8/1/2005. (Boyce, Kathy) (Entered: 07/18/2005)
07/14/2005	<u>15</u>	MOTION To bring Defendant Verret Under the Personal Jurisdiction of the Court by Peter F. Tinkham, Juliet B. Alexander.(York, Steve) (Entered: 07/18/2005)
07/14/2005	<u>16</u>	AFFIDAVIT of Juliet Alexander in Support re <u>15</u> MOTION To bring Def Verret Under the Personal jurisdiction of the Court filed by Juliet B. Alexander, Filed (York, Steve) (Entered: 07/18/2005)
07/20/2005	<u>17</u>	Letter/request (non-motion) from Peter Tinkham dated 7/18/05 withdrawing motion submitted on 7/11/05 to have her brought

		under the personal jurisdiction of the court, FILED. (Boyce, Kathy) (Entered: 07/22/2005)
07/20/2005	<u>18</u>	WAIVER OF SERVICE Returned Executed Margaret Verrett waiver sent on 6/1/2005, answer due 8/1/2005, FILED. (Boyce, Kathy) (Entered: 07/22/2005)
07/27/2005	<u>19</u>	MOTION to Dismiss <i>Plaintiff's Complaint under Rule 41(b)</i> by Margaret Verrett, Joan Bernheimer, Judi Alberton, Claire Jackson, Doreen R. Kelly, Barry L. Mintzer, Jean Curtis Loud, Robert L. Doyle, Donna Kyed. (Attachments: # <u>1</u> Supporting Memorandum)(Davis, John) (Entered: 07/27/2005)
07/29/2005	<u>20</u>	SUMMONS Returned Executed Barbara A. Hawkes-Sullivan served on 7/27/2005, answer due 8/16/2005. (Nici, Richard) (Entered: 08/01/2005)
07/29/2005	<u>21</u>	SUMMONS Returned Executed Stephanie Thomas served on 7/25/2005, answer due 8/15/2005. (Nici, Richard) (Entered: 08/01/2005)
07/29/2005	<u>22</u>	SUMMONS Returned Executed Erica Cohen served on 7/27/2005, answer due 8/16/2005. (Nici, Richard) (Entered: 08/01/2005)
08/04/2005	<u>23</u>	MOTION for Extension of Time to 8/15/05 to File Response/Reply as to <u>19</u> MOTION to Dismiss <i>Plaintiff's Complaint under Rule 41(b)</i> by Peter F. Tinkham, c/s.(Boyce, Kathy) (Entered: 08/10/2005)
08/10/2005	<u>36</u>	MOTION for Payment of Personal Services re Deft Barney Keezel by Peter F. Tinkham, Juliet B. Alexander, FILED. (Attachments: # <u>1</u> Supplement Attachment to Motion)(Boyce, Kathy) (Entered: 08/19/2005)
08/12/2005	<u>24</u>	Opposition to <u>19</u> MOTION to Dismiss <i>Plaintiff's Complaint under Rule 41(b)</i> filed by Peter F. Tinkham, c/s. (Boyce, Kathy) (Entered: 08/17/2005)
08/18/2005	<u>25</u>	MOTION for Entry of Default against all "School Defts," by Peter F. Tinkham, Juliet B. Alexander, FILED, c/s.(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>26</u>	MOTION for Entry of Default Judgment against Deft Stephanie Thomas by Peter F. Tinkham, Juliet B. Alexander, FILED.(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>27</u>	MOTION for Entry of Default against Deft Barbara Hawkes-

		Sullivan by Peter F. Tinkham, Juliet B. Alexander, FILED, c/s. (Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>28</u>	MOTION for Entry of Default against Deft Erica Cohen by Peter F. Tinkham, Juliet B. Alexander, FILED.(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>29</u>	MOTION for Entry of Default against Deft Erin Senges by Peter F. Tinkham, Juliet B. Alexander, FILED.(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>30</u>	MOTION for Entry of Default against Deft Barney Keezel, by Peter F. Tinkham, Juliet B. Alexander, FILED.(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>31</u>	MOTION for Entry of Default against Deft Kenneth Pontes by Kenneth Pontes, FILED.(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>32</u>	MOTION for Payment of Costs of Personal Services by Peter F. Tinkham, Juliet B. Alexander. (Attachments: # <u>1</u> Supplement - Attachment to Motion for Payment of Costs) FILED.(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>33</u>	AFFIDAVIT of Stephen McGrath in Support of <u>32</u> MOTION for Payment of Costs of Personal Services, FILED. (Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>34</u>	AFFIDAVIT of Peter Tinkham re <u>32</u> MOTION for Payment of Costs of Personal Services by Peter F. Tinkham, FILED. (Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>35</u>	MOTION for Payment of Costs of Personal Service by Peter F. Tinkham. (Attachments: # <u>1</u> Supplement Attachment to Motion)(Boyce, Kathy) (Entered: 08/19/2005)
08/18/2005	<u>36</u>	AFFIDAVIT of Peter Tinkham re <u>36</u> MOTION for Payment of Personal Services by Peter F. Tinkham, FILED. (Boyce, Kathy) Additional attachment(s) added on 8/22/2005 (Boyce, Kathy). (Entered: 08/22/2005)
08/18/2005	<u>38</u>	AFFIDAVIT of Stephen McGrath by Kenneth Pontes, FILED. (Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>39</u>	AFFIDAVIT of Peter Tinkham in Support re <u>35</u> MOTION for Payment of personal Service filed by Peter F. Tinkham (Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>40</u>	MOTION for Payment of Costs of Personal Service, FILED,

		c/s. by Peter F. Tinkham. (Attachments: # <u>1</u>)(Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>41</u>	AFFIDAVIT of Stephen McGrath in re <u>40</u> MOTION for Payment of Costs of Personal Service, FILED. (Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>42</u>	AFFIDAVIT of Pltf Peter Tinkham in support of <u>40</u> MOTION for Payment of Costs of Personal Service, FILED, c/s. (Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>43</u>	MOTION for payment of Costs of Personal Service re Deft Stephanie Thomas by Peter F. Tinkham, Juliet B. Alexander. (Attachments: # <u>1</u> Supplement Attachment to Motion for Payment of Costs and Personal Service), FILED.(Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>44</u>	AFFIDAVIT of Stephen McGrath in Support re <u>43</u> MOTION for payment of Costs of Personal Service filed by Peter F. Tinkham. (Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>45</u>	AFFIDAVIT of Peter Tinkham in Support re <u>43</u> MOTION for payment of Costs of Personal Service filed by Peter F. Tinkham. (Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>46</u>	MOTION for Payment of Costs of Personal Service by Peter F. Tinkham, Juliet B. Alexander. (Attachments: # <u>1</u> Supplement Attachment to Motion for Payment of Costs and Personal Service)(Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>47</u>	AFFIDAVIT of Stephen McGrath re <u>46</u> MOTION for Payment of Costs of Personal Service, FILED. (Boyce, Kathy) (Entered: 08/22/2005)
08/18/2005	<u>48</u>	AFFIDAVIT of Pltf Peter Tinkham in Support of <u>46</u> MOTION for Payment of Costs of Personal Service, FILED. (Boyce, Kathy) (Entered: 08/22/2005)
08/29/2005	<u>49</u>	Opposition re <u>26</u> MOTION for Entry of Default, <u>27</u> MOTION for Entry of Default, <u>28</u> MOTION for Entry of Default, <u>29</u> MOTION for Entry of Default, <u>30</u> MOTION for Entry of Default, <u>25</u> MOTION for Entry of Default, <u>31</u> MOTION for Entry of Default filed by Margaret Verrett, Joan Bernheimer, Judi Alberton, Claire Jackson, Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes, Doreen R. Kelly, Barry L. Mintzer, Jean Curtis Loud, Robert L. Doyle, Donna Kyed.

		(Attachments: # 1)(Davis, John) (Entered: 08/29/2005)
08/31/2005	<u>50</u>	NOTICE of Appearance by Stephen Dick on behalf of Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas Brown, Erica Cohen, and Kenneth Pontes (Dick, Stephen) Modified on 9/14/2005 to add filers to entry which were inadvertently not previously included in the electronic filing of this Notice of Appearance (Boyce, Kathy). (Entered: 08/31/2005)
09/14/2005		● Notice of correction to docket made by Court staff. Correction: Document No. 50, Notice of Appearance corrected: to add certain debts not previously included in the electronic filing of the Notice of Appearance (Boyce, Kathy) (Entered: 09/14/2005)
09/28/2005	<u>51</u>	Judge Mark L. Wolf : ORDER entered. MEMORANDUM AND ORDER. The parties are being ordered to inform the court by October 19, 2005 whether they consent to a transfer of this case to Magistrate Judge for all purposes. (Attachments: # 1)(O'Leary, Dennis) (Entered: 09/30/2005)
09/30/2005	<u>52</u>	NOTICE by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes <i>OF CONSENT TO REASSIGNMENT OF THIS CASE TO MAGISTRATE JUDGE ALEXANDER</i> (Dick, Stephen) (Entered: 09/30/2005)
10/06/2005	<u>53</u>	MOTION to Dismiss <i>the Complaint</i> , MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes. (Attachments: # 1 Exhibit M.G.L. c. 119 s.51A# 2 Exhibit M.G.L. c. 119, s.51B# 3 Exhibit 110 CMR 4.32# 4 Exhibit 110 CMR 4.36# 5 Exhibit 110 CMR 4.37# 6 Exhibit 110 CMR 4.51# 7 Exhibit M.G.L. c. 119, s.51F)(Dick, Stephen) (Entered: 10/06/2005)
10/06/2005	<u>54</u>	AFFIDAVIT of Stephen Dick re <u>53</u> MOTION to Dismiss <i>the Complaint</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim In Support of 7.1(A)(2) Certificate</i> by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes. (Attachments: # 1 Exhibit Letter to Plaintiffs 8/3/05# 2

		Exhibit Letter to Plaintiffs 9-14-05# 3 Exhibit Xmittal letter to Plaintiff Tinkham 10/6/05# 4 Exhibit Xmittal letter to Plaintiff Alexander 10-6-05)(Dick, Stephen) (Entered: 10/06/2005)
10/17/2005	55	Letter to Ms. Boyce from Pltfs declining to a reassignment of case to Magistrate Judge Alexander, FILED. (Boyce, Kathy) Additional attachment(s) added on 10/20/2005 (Boyce, Kathy). Modified on 10/27/2005L Pdf document added to entry on 10/20/05 (Boyce, Kathy). (Entered: 10/20/2005)
10/21/2005	56	NOTICE by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes of <i>Scheduling of Fair Hearing at Division of Social Services, with Addendum to Affidavit of Stephen Dick, and Suggestion That Plaintiffs Engage Their State Remedies</i> (Attachments: # 1 Affidavit In Support of L.R. 7(A)(2) Certificate)(Dick, Stephen) (Entered: 10/21/2005)
10/21/2005	57	MOTION for Extension of Time to 10/30/05 to File Response/Reply as to 53 MOTION to Dismiss <i>the Complaint</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> by Peter F. Tinkham, Juliet B. Alexander, FILED, c/s.(Boyce, Kathy) (Entered: 10/26/2005)
10/31/2005	59	Opposition re 53 MOTION to Dismiss <i>the Complaint</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> filed by Peter F. Tinkham, Juliet B. Alexander, Samantha Tinkham, FILED, c/s. (Boyce, Kathy) (Entered: 11/03/2005)
11/01/2005	58	NOTICE by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes of <i>Plaintiff Alexander's Written Relinquishment of State Remedies</i> (Attachments: # 1 Exhibit Plaintiff's Letter)(Dick, Stephen) (Entered: 11/01/2005)
11/03/2005	60	Letter from Peter Tinkham requesting permission to correct 2 typographical errors in his 10/30/05 Opposition and stating that he has sent corrected copies to Counsel late, FILED. (Boyce, Kathy) (Entered: 11/08/2005)
11/07/2005	61	MOTION to Strike 54 Affidavit, by Peter F. Tinkham, Juliet B. Alexander, Samantha Tinkham. (Attachments: # 1 Affidavit of Juliet Alexander# 2 Affidavit of Stephen Dick and Letter to

		Stephen Dick dated 8/17/05), FILED, c/s.(Boyce, Kathy) (Entered: 11/08/2005)
11/07/2005	62	MOTION to Strike <u>56</u> Notice (Other), by Peter F. Tinkham, Juliet B. Alexander, Samantha Tinkham. (Attachments: # <u>1</u> Documents (Letters) attached to pltfs' motion to strike notice of fair hearing), FILED, c/s.(Boyce, Kathy) (Entered: 11/08/2005)
11/07/2005	63	Opposition to <u>53</u> MOTION to Dismiss <i>the Complaint</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> filed by Peter F. Tinkham, Juliet B. Alexander, Samantha Tinkham, FILED. (Boyce, Kathy) (Entered: 11/08/2005)
11/07/2005	64	Letter/request (non-motion) from Peter Tinkham noting that the Waiver of Service re Barry Mintzer not on docket sheet and attaching a copy of Waiver, FILED. (Boyce, Kathy) (Entered: 11/08/2005)
11/16/2005	65	Judge Mark L. Wolf : ORDER entered. REFERRING CASE to Magistrate Judge Joyce London Alexander and Joyce London Alexander Referred for: Full pre-trial purposes including any necessary report and recommendation(O'Leary, Dennis) (Entered: 11/16/2005)
12/08/2005		ELECTRONIC NOTICE of Hearing: Status Conference SET for 1/25/2006 @ 11:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (JLA, intl) (Entered: 12/08/2005)
01/09/2006		Notice Resetting or Cancelling Hearing. Status Conference set for 1/25/06 @ 11AM cancelled and RESCHEDULED to 1/19/06 @ 12:00 PM (Lovett, Jarrett) (Entered: 01/09/2006)
01/09/2006		ELECTRONIC NOTICE of Hearing: Status Conference set for 1/19/2006 12:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 01/09/2006)
01/19/2006		ElectronicClerk's Notes for proceedings held before Magistrate Judge Joyce London Alexander : Status Conference held on 1/19/2006 as to Report & Recommendation on Deft's Motions <u>19</u> Motion to Dismiss filed by Atty John Davis & <u>53</u> Motion to Dismiss filed by Atty Stephen Dick, Pltt's Motions <u>25</u> , <u>26</u> , <u>27</u> ,

		<p>28, 29, 30, 31 Motions for Entry of Default Judgments. Motion hearing held as to Pltff's Motions 2 Motion for Extension of Time, 15 Motion to Bring Defendant Verrett Under Personal Jurisdiction of the Court, 23 Motion for Extension of Time to File Response as to 19 Deft's Motion to Dismiss, 32 Motion for Payment of Costs of Personal Service, 35, Motion for Payment of Costs of Personal Service, 36, Motion for Payment of Costs of Personal Service, 40, Motion for Payment of Costs of Personal Service, 43, Motion for Payment of Costs of Personal Service, 46, Motion for Payment of Costs of Personal Service, 57 Motion for Extension of Time to File Response as to 53 Deft's Motion to Dismiss, 61 Motion to Strike 54 Affidavit filed by Atty Stephen Dick, 62 Notice filed by Atty Stephen Dick. Pltff's Peter Tinkham & Juliet Alexander and Atty Davis for the Deft's present at hearing. Atty Dick not present, Court to issue an Order re: Atty Dick's absence. Pltff files 4 Motions In Limine in open court. The Court reserves any ruling on said motions until the Deft's are properly served. Deft's Response to Motions In Limine due by 2/2/06. (Digital Recording.) (Lovett, Jarrett) (Entered: 01/20/2006)</p>
01/19/2006	67	Plaintff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander.(Lovett, Jarrett) (Entered: 01/23/2006)
01/19/2006	68	Plaintiff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander.(Lovett, Jarrett) (Entered: 01/23/2006)
01/19/2006	69	Plaintiff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander.(Lovett, Jarrett) (Entered: 01/23/2006)
01/19/2006	70	Plaintiff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander.(Lovett, Jarrett) (Entered: 01/23/2006)
01/19/2006		<p>Magistrate Judge Joyce London Alexander : Electronic ORDER entered: The plaintiff's have filed four Motions in Limine. The defendants shall respond on or before February 2nd, 2006. Attorney Stephen Dick did not appear at the hearing. Upon calling his office, the clerk was informed by an answering machine that counsel was on trial between 9:00 AM and 1:00 PM. Counsel has never informed this Court of this pending conflict. Such behavior is unacceptable, pursuant to Local Rule 40.2, Attorney Dick is hereby fined \$500.00. (Lovett, Jarrett) (Entered: 01/23/2006)</p>
01/19/2006		Magistrate Judge Joyce London Alexander : Electronic

		ORDER entered: granting <u>57</u> Motion for Extension of Time to File Response/Reply to Deft's Motion to Dismiss, finding as moot <u>2</u> Motion for Extension of Time to Locate and Serve Remaining Deft's, finding as moot <u>15</u> Motion to Bring Def Verret Under the Personal Jurisdiction of the Court, granting <u>23</u> Motion for Extension of Time to File Response/Reply to Deft's Motion to Dismiss. (Lovett, Jarrett) (Entered: 01/23/2006)
01/20/2006	<u>66</u>	NOTICE of Appearance by John J. Davis on behalf of Defts Doreen R. Kelly, Barry L. Mintzer, Esq. Dr. Jean Curtis Loud, Dr. Robert L. Doyle, Donna Kyed, Margaret Verret, R.N. Dr. Joan Bernheimer, Judith M. Alberton and Dr. W. Claire Jackson (Davis, John) Modified on 2/1/2006 to add filers to entry (Boyce, Kathy). (Entered: 01/20/2006)
01/20/2006	<u>71</u>	Letter(non-motion) from Attorney Stephen Dick Re: absence from hearing received via fax. (Lovett, Jarrett) (Entered: 01/23/2006)
01/23/2006	<u>72</u>	NOTICE by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes re <u>53</u> MOTION to Dismiss <i>the Complaint</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> MOTION to Dismiss <i>the Complaint</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> NOTICE OF DISMISSAL OF PLAINTIFFS' 12/22/06 DSS FAIR HEARING FOR FAILURE TO ATTEND, FILED IN SUPPORT OF DSS DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES. (Attachments: # <u>1</u> Exhibit Fair Hearing DSS Dismissal Notice - 1/10/06)(Dick, Stephen) (Entered: 01/23/2006)
01/31/2006	<u>73</u>	Magistrate Judge Joyce London Alexander : Electronic ORDER entered re <u>71</u> Letter(non-motion) from Attorney Stephen Dick Re: absence from hearing received via fax: The hearing having been held, papers of all parties having been taken into consideration, a further hearing will not be held based on counsel's inexcusable neglect. Counsel should also be aware that sanctions were imposed on him personally, not the Attorney General's Office.(Lovett, Jarrett) (Entered: 02/01/2006)
02/01/2006	<u>74</u>	Notice of correction to docket made by Court staff. Correction: Document No. 66 corrected because: to add deft filers to the

		text who were not initially selected when e-filed (Boyce, Kathy) (Entered: 02/01/2006)
02/01/2006	<u>73</u>	Opposition re <u>70</u> MOTION in Limine, <u>67</u> MOTION in Limine, <u>68</u> MOTION in Limine, <u>69</u> MOTION in Limine filed by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes. (Dick, Stephen) (Entered: 02/01/2006)
02/02/2006	<u>74</u>	Opposition re <u>70</u> MOTION in Limine, <u>67</u> MOTION in Limine, <u>68</u> MOTION in Limine, <u>69</u> MOTION in Limine filed by Margaret Verrett, Joan Bernheimer, Judi Alberton, Claire Jackson, Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes, Doreen R. Kelly, Barry L. Mintzer, Jean Curtis Loud, Robert L. Doyle, Donna Kyed. (Davis, John) (Entered: 02/02/2006)
02/02/2006	<u>75</u>	Supplemental Opposition re <u>70</u> MOTION in Limine, <u>67</u> MOTION in Limine, <u>68</u> MOTION in Limine, <u>69</u> MOTION in Limine filed by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes. (Dick, Stephen) (Entered: 02/02/2006)
02/06/2006	<u>76</u>	Magistrate Judge Joyce London Alexander : ORDER entered: granting <u>32</u> MOTION for Payment of Costs of Personal Services by Peter F. Tinkham, Juliet B. Alexander, granting <u>35</u> MOTION for Payment of Costs of Personal Service by Peter F. Tinkham, granting <u>36</u> MOTION for Payment of Personal Services re Deft Barney Keezel by Peter F. Tinkham, Juliet B. Alexander, granting <u>40</u> MOTION for Payment of Costs of Personal Service, granting <u>43</u> MOTION for payment of Costs of Personal Service re Deft Stephanie Thomas by Peter F. Tinkham, Juliet B. Alexander, granting <u>46</u> MOTION for Payment of Costs of Personal Service by Peter F. Tinkham, Juliet B. Alexander, denying <u>61</u> MOTION to Strike 54 Affidavit, by Peter F. Tinkham, Juliet B. Alexander, Samantha Tinkham, denying <u>62</u> MOTION to Strike <u>56</u> Notice (Other), by Peter F. Tinkham, Juliet B. Alexander, Samantha Tinkham, denying <u>67</u> Plaintiff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander, denying <u>68</u> Plaintiff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander, denying <u>69</u> Plaintiff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander, denying <u>70</u> Plaintiff's MOTION in Limine by Peter F. Tinkham, Juliet B. Alexander. (Lovett, Jarrett) (Entered: 02/06/2006)

02/06/2006	<u>77</u>	Magistrate Judge Joyce London Alexander : ORDER entered: REPORT AND RECOMMENDATIONS re <u>26</u> MOTION for Entry of Default filed by Peter F. Tinkham,, Juliet B. Alexander,, <u>19</u> MOTION to Dismiss <i>Plaintiff's Complaint under Rule 41(b)</i> filed by Doreen R. Kelly,, Barry L. Mintzer,, Jean Curtis Loud,, Robert L. Doyle,, Donna Kyed,, Margaret Verrett,, Joan Bernheimer,, Judi Alberton,, Claire Jackson,, <u>27</u> MOTION for Entry of Default filed by Peter F. Tinkham,, Juliet B. Alexander,, <u>28</u> MOTION for Entry of Default filed by Peter F. Tinkham,, Juliet B. Alexander,, <u>29</u> MOTION for Entry of Default filed by Peter F. Tinkham,, Juliet B. Alexander,, <u>30</u> MOTION for Entry of Default filed by Peter F. Tinkham,, Juliet B. Alexander,, <u>53</u> MOTION to Dismiss <i>the Complaint</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State Claim</i> filed by Erin L. Senges,, Barbara A. Hawkes-Sullivan,, Barney Keezell,, Stephanie Thomas,, Erica Cohen,, Kenneth Pontes,, <u>25</u> MOTION for Entry of Default filed by Peter F. Tinkham,, Juliet B. Alexander,, <u>31</u> MOTION for Entry of Default filed by Kenneth Pontes, (Lovett, Jarrett) (Entered: 02/06/2006)
02/06/2006		Case no longer referred to Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 02/06/2006)
02/16/2006	<u>78</u>	MOTION for Sanctions, FILED, c/s. by Peter F. Tinkham, Juliet B. Alexander. (Attachments: # <u>1</u>)(Boyce, Kathy) Additional attachment(s) added on 2/17/2006 (Boyce, Kathy). Additional attachment(s) added on 2/21/2006 (Boyce, Kathy). (Entered: 02/17/2006)
02/16/2006	<u>79</u>	MOTION for Enlarge their Memorandum in Opposition to DSS Defts' Rule 12 Motion to Dismiss by Peter F. Tinkham, Juliet B. Alexander, FILED, c/s. (Attachments: # <u>1</u> Affidavit of Juliet Alexander# <u>2</u> Affidavit of Peter Tinkham)(Boyce, Kathy) (Entered: 02/21/2006)
02/16/2006	<u>80</u>	Letter to clerk from Juliet Alexander re Pltf's Objection to Magistrate Judge Alexander's Report and Recommendation and re several appended exhibits/documents sent which supported pltf's position, FILED. (Boyce, Kathy) (Entered: 02/21/2006)
02/16/2006	<u>81</u>	OBJECTIONS to <u>77</u> Report and Recommendations filed by Peter F. Tinkham, Juliet B. Alexander, FILED. (Boyce, Kathy)

		Additional attachment(s) added on 2/23/2006 (Boyce, Kathy). (Entered: 02/21/2006)
02/28/2006	<u>82</u>	REPLY TO OBJECTION to <u>77</u> Report and Recommendations filed by Erin L. Senges, Barbara A. Hawkes-Sullivan, Barney Keezell, Stephanie Thomas, Erica Cohen, Kenneth Pontes. (Attachments: # <u>1</u> DSS Motion to Dismiss# <u>2</u> DSS Opposition to Plaintiffs'Motions in Limine")(Dick, Stephen) (Entered: 02/28/2006)
03/01/2006		NOTICE issued requesting courtesy copy for <u>82</u> Reply to Objection to Report and Recommendations,. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 3/3/2006. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (O'Leary, Dennis) (Entered: 03/01/2006)
03/02/2006	<u>83</u>	Assented to MOTION for Extension of Time to 3/2/06 to File Response/Reply as to <u>81</u> Objection to Report and Recommendations by Margaret Verrett, Joan Bernheimer, Judi Alberton, Claire Jackson, Doreen R. Kelly, Barry L. Mintzer, Jean Curtis Loud, Robert L. Doyle, Donna Kyed.(Davis, John) (Entered: 03/02/2006)
03/02/2006	<u>84</u>	REPLY TO OBJECTION to <u>77</u> Report and Recommendations of <i>School Defendants</i> filed by Margaret Verrett, Joan Bernheimer, Judi Alberton, Claire Jackson, Doreen R. Kelly, Barry L. Mintzer, Jean Curtis Loud, Robert L. Doyle, Donna Kyed. (Davis, John) (Entered: 03/02/2006)
03/20/2006	<u>85</u>	Judge Mark L. Wolf : ORDER entered denying <u>31</u> Motion for Entry of Default, granting <u>53</u> Motion to Dismiss, granting <u>53</u> Motion to Dismiss for Lack of Jurisdiction, Affirming <u>77</u> Report and Recommendations., denying <u>78</u> Motion for Sanctions, granting <u>79</u> Motion for Extension of Time, granting <u>83</u> Motion for Extension of Time to File Response/Reply, granting <u>19</u> Motion to Dismiss, denying <u>25</u> Motion for Entry of Default, denying <u>26</u> Motion for Entry of Default, denying <u>27</u> Motion for Entry of Default, denying <u>28</u> Motion for Entry of Default, denying <u>29</u> Motion for Entry of Default, denying <u>30</u> Motion for Entry of Default (Attachments: # <u>1</u>) (O'Leary, Dennis) (Entered: 03/20/2006)
03/20/2006	<u>86</u>	Judge Mark L. Wolf : ORDER entered. JUDGMENT, without

		prejudice, in favor of Defendants against Plaintiffs(O'Leary, Dennis) (Entered: 03/20/2006)
04/17/2006	87	NOTICE OF APPEAL as to 86 Judgment by Peter F. Tinkham, Juliet B. Alexander. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/8/2006. (Attachments: # 1 Receipt of \$455.00 filing fee)(Boyce, Kathy) (Entered: 04/20/2006)